

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-020892
Issue No.: 1008
Agency Case No.: [REDACTED]
Hearing Date: December 22, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on December 22, 2015 from Ypsilanti, Michigan. The Petitioner was present by telephone conference call and was represented by the Claimant's social worker, [REDACTED], who also participated by telephone conference call, Attorney [REDACTED], P# [REDACTED] primary, and Attorney [REDACTED], P# [REDACTED] secondary. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager, who testified on the behalf of the Department.

ISSUE

Did the Department properly close the Claimant Family Independence Program (FIP) case because she failed to participate in the PATH program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a recipient of FIP benefits, which required her to participate in the PATH program.
2. On August 13, 2015, the Medical Review Team (MRT) denied the Claimant request for a medical deferral finding that she was not disabled and capable of performing work with limitations where she was not physically limited, but mentally limited to unskilled work where she had the ability to understand, remember, and carry out simple instructions, respond appropriately to supervision, co-workers, and work pressures in routine work setting, make simple, work-related judgment and decisions. Department Exhibit 3-7.

3. On September 21, 2015, the Department sent the Claimant a PATH APPOINTMENT NOTICE, DHS 4785, for a PATH appointment on September 28, 2015 at 9 a.m. Department Exhibit 14.
4. On October 9, 2015, the Department pended the Claimant's FIP case to close due to non-participation in the PATH program.
5. On October 9, 2015, the Department sent Claimant a notice of her FIP case closure and reduction of FAP benefits due to non-participation in the PATH program effective November 1, 2015. Department Exhibit 25-27.
6. On October 9, 2015, the Department sent the Claimant a Notice of Noncompliance, DHS-2444, because she had no initial contact with PATH, requiring her to attend a triage meeting on October 15, 2015 at 1:00 p.m. This was her 1st non-compliance and her FIP case would be closed for 3 months and her 2nd non-compliance for FAP where she would be disqualified for 6 months. Department Exhibit 15-16.
7. On October 13, 2015, the Department received a new Medical Needs-PATH, DHS 54E, from the Claimant that stated that she was taking medications and in therapy once a week for her mental impairments. Her diagnoses were agoraphobia with panic attacks, and unspecified depression where she could not work for 6 months. Department Exhibit 17-18.
8. On October 13, 2015, the PATH Coordinator denied the Claimant's request for a medical deferral because she did not have a new diagnosis or no evidence of worsening condition per BAM 815. In addition, the Claimant was currently not in compliance with PATH because she has not been attending PATH with a scheduled triage. Department Exhibit 19 and 29.
9. On October 16, 2015, the Claimant completed her triage through a telephone conference call where the Department determined that there was no good cause because she did not have a new diagnosis or no evidence of worsening condition to be able to approve her request for not participating in PATH. Department Exhibit 29.
10. On November 3, 2015, the Claimant filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Claimant was a recipient of FIP benefits, which required her to participate in the PATH program. On August 13, 2015, the Medical Review Team (MRT) denied the Claimant request for a medical deferral finding that she was not disabled and capable of performing work with limitations where she was not physically limited, but mentally limited to unskilled work where she had the ability to understand, remember, and carry out simple instructions, respond appropriately to supervision, co-workers, and work pressures in routine work setting, make simple, work-related judgment and decisions. Department Exhibit 3-7. On September 21, 2015, the Department sent the Claimant a PATH APPOINTMENT NOTICE, DHS 4785, for a PATH appointment on September 28, 2015 at 9 a.m. Department Exhibit 14.

On October 9, 2015, the Department pended the Claimant's FIP case to close due to the Claimant's non-participation in the PATH program. On October 9, 2015, the Department sent Claimant a notice of her FIP case closure and reduction of FAP benefits due to non-participation in the PATH program effective November 1, 2015. Department Exhibit 25-27. On October 9, 2015, the Department sent the Claimant a Notice of Noncompliance, DHS-2444, because she had no initial contact with PATH, requiring her to attend a triage meeting on October 15, 2015 at 1:00 p.m. This was her 1st non-compliance and her FIP case would be closed for 3 months and her 2nd non-compliance for FAP where she would be disqualified for 6 months. Department Exhibit 15-16.

On October 13, 2015, the Department received a new Medical Needs-PATH, DHS 54E, from the Claimant that stated that she was taking medications and in therapy once a week for her mental impairments. Her diagnoses were agoraphobia with panic attacks, and unspecified depression where she could not work for 6 months. Department Exhibit 17-18. On October 13, 2015, the PATH Coordinator denied the Claimant's request for a medical deferral because she did not have a new diagnosis or no evidence of worsening condition per BAM 815. In addition, the Claimant was currently not in compliance with PATH because she has not been attending PATH with a scheduled triage. Department Exhibit 19 and 29. On October 16, 2015, the Claimant completed her triage through a telephone conference call where the Department determined that there was no good cause because she did not have a new diagnosis or no evidence of

worsening condition to be able to approve her request for not participating in PATH. Department Exhibit 29. BAM 815, 600, 400, and 220. BEM 230A, 230B, and 210.

During the hearing, the Claimant's Attorney argued that PATH did not provide a reasonable accommodation for the Claimant. On October 9, 2015, the Claimant was outside the PATH building where she wanted her social worker with her and a room to by herself. The PATH Coordinator stated that she could come back at to the session in the afternoon which would be less crowded, but her social worker could not attend with her. The Claimant attended the later session without her social worker, but was not able to stay because of a panic attack.

As a result, the Claimant was in noncompliance with the PATH program. Her MRT deferral limited her to unskilled work only. The MRT deferral did not state that she had to be in a room by herself or that her social worker had to attend the session with her. The Claimant is required to comply with the requirements of the PATH program until she gets a subsequent decision from MRT or PATH if additional medical information was submitted. The Claimant failed to comply with the PATH program by attending PATH and was in non-compliance with PATH. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Claimant's FIP case as a 1st sanction for 3 months and decreased her FAP benefits as a 2nd sanction for 6 months due to noncompliance with PATH.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **1/4/2016**

CGF/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

